THE HONOURABLE SRI JUSTICE
R. SUBHASH REDDY

WRIT PETITION No. 1269 OF 1999.

ORDER:

This Writ Petition is filed, questioning the action of the respondents in taking steps to evict the petitioner from the land in Sy.No. 402, admeasuring Ac.1.11 guntas, situated at Vunturu village, Adilabad District.

It is the case of the petitioner that he is the statutory tenant of the above said land under the provisions of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 and is in possession of the same. It is also the case of the petitioner that by virtue of his tenancy rights, he is entitled to continue his possession to the extent of Ac.1.11 guntas and now he is not being allowed to cultivate the land in question. Hence he preferred the present Writ Petition.

Counter affidavit is filed by the first respondent-Revenue Divisional Officer stating that the land in Sy.No. 402 corresponds to old Sy.No.30, admeasuring Ac.1.28 guntas and subsequently, a revised survey took place in the year 1964-65 and the said old Sy.No.30 was given new Sy.No. 402 and the total extent of the land was shown as Ac.1.11 guntas. It is further stated that in the revenue records, an extent of Ac.1.05 guntas was recorded as 'pote kharab' (unfit for cultivation) due to the existence of

Ramalayam temple and Ac.0.06 guntas was shown as cultivable land. It is further stated that during the year 1975, the petitioner was conferred ownership rights under Section 38-E of the A.P.(Telangana Area) Tenancy and Agricultural Lands Act, 1950 and also given certificate only to the extent of Ac.0.06 guntas.

In view of the averments in the counter affidavit, it is clear that the petitioner was conferred ownership rights under Section 38-E of the A.P.(Telangana Area) Tenancy and Agricultural Lands Act, 1950, only to the extent of the land admeasuring Ac.0.06 guntas and his claim for tenancy rights over the entire land is not decided by the competent authority. In absence of any decision by the competent authority, to the entire extent of his tenancy in the said survey number, he cannot seek any direction to the respondents not to interfere with the land in Sy.No. 402.

Inasmuch as Section 38-E rights are already conferred on the petitioner to the extent of Ac.0.06 guntas, I dispose of the Writ Petition, directing the respondents not to interfere with the possession of the petitioner, to the extent of Ac.0.06 guntas in sy.No.402 of Vutnuru village, for which ownership rights are conferred under Section 38-E of the A.P.(Telangana Area) Tenancy and Agricultural Lands Act, 1950. However, I leave it open for the petitioner to take appropriate steps to claim tenancy rights over the rest of the land.

Subject to the above direction, the Writ Petition is

disposed of. No costs.

JUSTICE R. SUBHASH REDDY

DATED: 23-6-2004.
Jsu/Msnr.